

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Conf. No.: 7192
)	
Oliver Feilen et al.)	
)	
Application No.: 10/525,229)	Group Art Unit: 2436
)	
Filed: October 12, 2005)	Examiner: Fatoumata TRAORE
)	
For: MOTOR VEHICLE CONTROL)	Docket No.: 8369.005.US0000
DEVICE)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants request review of the final rejection of November 05, 2009, in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated on the attached sheets.

Remarks

Claims 1 – 11 are canceled. Claims 12 – 19 are pending.

The rejections made in the final rejection of November 05, 2009, are clearly improper, as they are based upon errors in facts.

Schwartz provides a system where a drive device may not be removed and replaced with another drive device (See Schwartz at column 4, lines 1 – 8 and column 5, lines 6 – 13). Peltier affixes a bar code or other indicia to an engine component (See Peltier at column 14, line 54 – column 15, line 9). The bar code merely encodes performance parameters of the engine component not authentication information (See Peltier at column 14, lines 46 – 48). Peltier is not only unconcerned with the form of authentication taught by Schwartz, Peltier teaches against such authentication by requiring engine components to be replaceable (See Peltier at column 17, lines 53 – 64).

Furthermore, according to Schwartz, during an attempted boot of the hard drive 16 a processor 22 polls the hard drive 16 and retrieves identifier 44 from hard drive 16 (See Schwartz at column 3, lines 56 – 59). Again, Peltier does not provide any such identifier; Peltier's bar code merely encodes performance parameters. However, even if Peltier's bar code included an identifier, Schwartz would not be able to retrieve it. Schwartz provides no means for reading a bar code or other indicia. Peltier makes clear that a bar code scanner should be used (See Peltier at column 15, lines 11 – 24).

Peltier fails to teach an identifier. Peltier teaches against authenticating an identifier by requiring engine components to be replaceable. Moreover, Peltier does not teach either a first or a second memory module functional in operating a control device, wherein the memory modules store an identifier. The engine components according to Peltier do not have any memory modules at all. Peltier's engine components merely have bar codes.

For at least these reasons, the Office action's assertion that Peltier was used to show that the memory module is functional in operating a control device of a component of a motor vehicle is clearly in error.

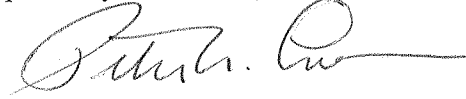
The Director is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in

this application by this firm) to our Deposit Account 14-1437. Please credit any excess fees to such account.

NOVAK DRUCE & QUIGG, LLP
1300 Eye St. N.W.
Suite 1000 West
Washington, D.C. 20005
Telephone: (202) 659-0100
Facsimile: (202) 659-0105

Date: February 4, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter N. Lalos", with a long horizontal flourish extending to the right.

Peter N. Lalos
Registration No. 19,789
Michael P. Byrne
Registration No. 54,015

Attorneys for Applicants